

Department of Behavioral Health  
**TRANSMITTAL LETTER**

<b>SUBJECT</b> <b>Protecting Consumers from Abuse, Neglect or Exploitation</b>		
<b>POLICY NUMBER</b> DBH Policy 482.1	<b>DATE</b> JUN 10 2014	<b>TL#</b> 253

**Purpose.** The purpose of this policy is to establish the Department of Behavioral Health's (DBH) policy for the protection of consumers from abuse, neglect or exploitation.

This revision adopts the policy from the former Department of Mental Health, now merged into the new Department of Behavioral Health, in accordance with the DBH Establishment Act of 2013.

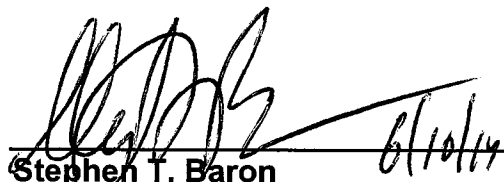
**Applicability.** Applies to DBH certified or licensed providers and contractors, Saint Elizabeths Hospital (SEH) and Behavioral Health Authority (BHA).


**Policy Clearance.** Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices.

**Effective Date.** This policy is effective immediately.

**Superseded Policy.** DMH Policy 482.1A Protecting Consumers from Abuse, dated October 10, 2010.

**Distribution.** This policy will be posted on the DBH web site at [www.dbh.dc.gov](http://www.dbh.dc.gov) under Policies and Rules. Applicable entities are required to ensure that affected staff is familiar with the contents of this policy.

  
Stephen T. Baron  
Director, DBH

GOVERNMENT OF THE DISTRICT OF COLUMBIA 	<b>Policy No.</b> 482.1	<b>Date</b> JUN 10 2014	<b>Page 1</b>
<b>DEPARTMENT OF BEHAVIORAL HEALTH</b>		<b>Supersedes: DMH Policy 482.1A Protecting Consumers from Abuse, dated October 10, 2010</b>	
<b>Subject: Protecting Consumers from Abuse, Neglect or Exploitation</b>			

1. **Purpose.** The purpose of this policy is to establish the Department of Behavioral Health's (DBH) policy for the protection of consumers of mental health and substance use disorders programs and services from abuse, neglect or exploitation.

2. **Applicability.** Applies to DBH certified or licensed providers and contractors, Saint Elizabeths Hospital (SEH) and Behavioral Health Authority (BHA).

3. **Authority.** 22 DCMR Chapter A34, Mental Health Rehabilitation Services Provider Certification Standards; 22 DCMR Chapter A22, Consumer Grievance Procedures; 29 DCMR Chapter 23, Certification Standards for Substance Abuse Treatment Facilities and Programs; Human Rights Act of 1977 (DC Law 2-38; DC Code section 2501 et seq.); and Department of Behavioral Health Establishment Act of 2013.

4. **Policy.**

4a. Consumers shall receive services in accordance with the Human Rights Act of 1977 and in accordance with the highest quality standards, in the least restrictive environment;

4b. Consumers shall be free from physical, emotional, sexual, or financial abuse, neglect, harassment, coercion, or exploitation when seeking or receiving behavioral health services and behavioral health supports. Any violation shall not be tolerated and shall result in disciplinary action.

4b. Professional staff shall follow the ethical standards of their respective licensing boards or professional organizations when those standards are more restrictive than the standards as defined in this policy. Pursuant to D.C. Official Codes Section 4-1321.02 (for children) and Section 7 – 1903 (for adults), mandatory reporters shall comply with the mandatory reporting requirements.

4c. Employees are prohibited from having any kind of financial relationship with a consumer, except when this relationship is part of the functions of the employee's job.

4d. Employees are prohibited from any kind of sexual relationship with a consumer and shall not engage in sexual harassment.

4e. All employees (newly hired, transferred, or assigned) who had/have a personal relationship with a consumer or a member of his/her immediate family prior to the consumer's enrollment in a DBH licensed or certified provider or admission to Saint Elizabeths Hospital or prior to the employee's employment, shall not work with the consumer in a therapeutic relationship. The employee shall disclose said relationship to his/her hiring official/supervisor to ensure appropriate work assignment.

**5. Definitions.**

5a. Abuse. Any knowing, reckless, or intentional act or omission by an employee that causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to, physical or emotional injury, death, or financial exploitation of a consumer.

5b. Consumers. Adults, children, or youth who seek or receive behavioral health services or behavioral health supports in the District of Columbia, without regard to voluntary, non-protesting or involuntary status to include "individuals in care" (those receiving inpatient services at Saint Elizabeths Hospital).

5c. Employee. The term "employee" when used in this policy, applies to all DBH staff, including employed consumers, contractors, contract workers, volunteers, students and interns; and employees and contractors of behavioral health providers/contractors.

5d. Exploitation. Misuse or misappropriation of the consumer's assets (includes the use of a position of authority to extract personal gain from a consumer).

5e. Neglect. "Neglect" means any act or omission by a provider which causes or is likely to cause or contribute to, or which caused or is likely to have caused or contributed to, the injury, death, or financial exploitation of a consumer.

5f. Sexual harassment or relations. Refer to events which involve any sexual or attempted sexual activity between an employee and a current or former consumer regardless of whether or not the consumer consents.

**6. Responsibilities.****6a. DBH shall:**

- (1) Enforce the protection of consumers by ensuring appropriate actions are taken by the DBH provider whenever allegations of abuse, neglect or exploitation are reported.
- (2) Investigate or oversee investigations of all alleged violations reported through the DBH incident reporting and grievance procedures (also see Section 8 below).
- (3) Notify or verify notification by the DBH provider of appropriate authorities as required by federal and District laws and regulations.
- (4) Impose sanctions if the DBH provider fails to take actions identified to rectify situations that led, or has the potential to lead, to abuse, neglect or exploitation of consumers.
- (5) Ensure consumers are informed of their right to be free from abuse, neglect or exploitation and the reporting procedures if they feel their rights have been violated.
- (6) Follow DBH policies on reporting and investigating incident reports.

**6b. Each DBH Provider shall:**

- (1) Develop and follow internal policies and procedures that do not conflict with the DBH

policies. Policies and procedures may be more restrictive than the standards defined in this policy.

(2) Ensure specific steps are taken and documented by supervisors at all levels to ensure that every current and new employee (employed or under contract to the DBH provider) is aware of this policy.

(3) Provide training to staff and consumers on types of abuse, neglect or exploitation, and investigations.

(4) Whenever an incident of consumer abuse is reported, take all appropriate actions, especially providing any needed medical and psychiatric treatment and ensuring the consumer's safety.

(5) Follow DBH policies on reporting and investigating incident reports.

6c. Each Supervisor shall:

(1) Provide a copy of this policy to each employee; then, document, and discuss to ensure that each employee is aware of this policy.

(2) Develop steps to provide proactive measures that avoid violations of this policy.

(3) Take appropriate actions when this policy is violated and follow steps in section 7.

6d. All DBH Employees shall:

(1) Maintain a courteous, respectful, and professional relationship with consumers.

(2) Know the policies and procedures concerning protecting consumers from abuse, neglect or exploitation and the consequences for violations.

(3) Report incidents or allegations of consumer abuse, neglect or exploitation to supervisor and cooperate in any resulting investigations.

(4) Notify supervisor of any personal relationships (other than professional, clinical, or therapeutic) between an employee and a consumer or a member of the consumer's immediate family.

(5) Provide information to authorized representatives of the DBH if an investigation relates to an official matter and the information is obtained in the course of employment or as a result of relationships incidental to employment. This includes the furnishing of a signed sworn or affirmed statement. Failure to cooperate with an investigation may constitute the basis for disciplinary action, up to and including termination of employment or termination of an existing contractual relationship, subject to all employee rights under any applicable Collective Bargaining Agreement and the District Personnel Manual.

6e. For further advice on employee-consumer relationships, supervisory personnel shall consult with the DBH Office of Consumer and Family Affairs, Human Resources personnel or Ethics Officer.

**7. Reporting and Investigating Allegations of Abuse, Neglect or Exploitation.**

7a. Allegations of abuse, neglect or exploitation of consumers shall be reported and investigated as a major unusual incident (MUI) in accordance with DBH policies and regulations

7b. Employees are obliged to report any suspected incidents of consumer abuse, neglect, or exploitation to their supervisor and shall submit a completed MUI report for investigation.

**8. Specific Guidance.** Each DBH contractor or provider shall establish policy and procedures that addresses the following:

- Procedures for immediate treatment and care of the consumer, when necessary.
- Internal and external (including DBH) reporting procedures.
- Notification procedures (e.g., police and other government agencies).
- Reasonable measures to ensure health, safety, and emotional well-being of the consumer (e.g. relieving accused staff of duty pending a determination whether the allegation has been proven or not based on investigation of the incident.
- Investigation, documentation, follow-up, and monitoring.
- Implementation of personnel disciplinary/corrective action as needed.
- Improvement action plan to address the findings of the investigation and prevent future reoccurrences.
- Employee training (during staff orientation and ongoing).

9. **Confidentiality.** Investigations of abuse, neglect and exploitation shall be considered protected information under the Mental Health Information Act of 1978, as amended [D.C. Code §7.1201.01 et seq. (2001 ed.)] and DBH privacy policies.

10. **Corrective/Disciplinary Action.** Any violation of the law, this policy, or Chapter 18 of D.C. Personnel Regulations (Employee Conduct) may be cause for corrective/disciplinary action of DBH employees. Any action taken may be in addition to any penalties prescribed by law, and in accordance with applicable laws and regulations, particularly D.C. Code (1981 ed.) § 1-617.1; and D.C. Office of Personnel policies, rules, and regulations. DBH supervisors shall consult with the Division of Human Resources as needed.

Likewise, private behavioral health providers and contractors must take corrective/disciplinary action in accordance with their internal procedures and must comply with applicable laws and regulations.

11. **Visitors.** Allegations of abuse by visitors shall be reported through the major unusual incident procedures including notifying appropriate authorities such as law enforcement and others as required by federal and District laws and regulations, as applicable.

Approved by:

  
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Stephen T. Baron  
Director, DBH

(Date)